

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
Fatmah Khalefah,) CASE NO.: 2022-CP-10-_____
Plaintiff,)
vs.)
Raising Cane's Restaurants, LLC d/b/a)
Raising Cane's Chicken Fingers and)
Raising Cane's USA, LLC d/b/a Raising)
Cane's Chicken Fingers,)
Defendants.)

SUMMONS
(Negligence/Premises Liability)
(Jury Trial Requested)

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office at 5861 Rivers Avenue, North Charleston, South Carolina 29406, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to Answer the Complaint within the time aforesaid, exclusive of the day of such service, judgment by default will be entered against you for the relief demanded in the Complaint.

JOYE LAW FIRM, L.L.P.

By: s/Robert P. Howell
Robert P. Howell
SC Bar No.: 104967
5861 Rivers Ave.
North Charleston, SC 29406
Office: 843-725-2328
Fax: 843-529-9180
Email: rhowell@joyelawfirm.com
Attorney for Plaintiff

North Charleston, South Carolina
This 31st day of August 2022

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
 Fatmah Khalefah,) CASE NO.: 2022-CP-10-_____
 Plaintiff,)
 vs.)
 Raising Cane's Restaurant, LLC a/b/a)
 Raising Cane's Chicken Fingers and)
 Raising Cane's USA, LLC d/b/a Raising)
 Cane's Chicken Fingers,)
 Defendants.)

**COMPLAINT
 (Jury Trial Requested)**

TO THE ABOVE NAMED DEFENDANTS:

The Plaintiff, complaining of the Defendants herein, would respectfully show unto the Court the following:

1. That the Plaintiff, Fatmah Khalefah, is an adult and resident of the State of South Carolina, County of Berkeley, Town of Hanahan, residing at 5000 Mabeline Road.
2. That the Defendant, Raising Cane's Restaurants, LLC., is a corporation existing under the laws of the state of Louisiana. That Defendant, Raising Cane's Restaurants, LLC has Capitol Corporate Services Inc. as its registered agent for service of process and can be served at 2 Office Park Court, STE 103, Columbia, South Carolina 29223. Said Defendant is in the business of owning, managing, overseeing, operating, and franchising restaurants through the United States and in particular the state of South Carolina, County of Charleston, City of North Charleston.
3. That the Defendant, Raising Cane's USA, LLC., is a corporation existing under the laws of the state of Louisiana. That Defendant, Raising Cane's USA, LLC has Capitol Corporate Services Inc. as its registered agent for service of process and can be served at 2 Office Park Court, STE 103, Columbia, South Carolina 29223. Said Defendant is in the business of owning, managing, overseeing, operating, and franchising restaurants through the United States and in particular the state of South Carolina, County of Charleston, City of North Charleston.

4. That Defendant, carrying on business in South Carolina, own and/or manage the real property and premises known as Raising Cane's Chicken Fingers (herein after referred to as "premises"), a restaurant, in the State of South Carolina, City of North Charleston, County of Charleston, located at 7225 Rivers Avenue, Building 100.
5. That this court has jurisdiction of this matter as well as the parties in as much as the amount in controversy exceeds the sum of seven thousand five hundred (\$75,000.00) dollars, exclusive of interests and costs.
6. Personal jurisdiction exists over the Defendant under § 36-2-802 of the South Carolina Code.
7. Venue is proper in Charleston County because the most substantial part of the alleged act or omission giving rise to the cause of action occurred in Charleston County, South Carolina.

FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE)

8. At all times herein mentioned, the premises were in the direct operation, maintenance and control of the Defendants, their agents, servants and employees.
9. At all times herein mentioned, the Defendants owed the Plaintiff a duty of care to keep the premises in a safe condition for its intended use, to inspect the premises to discover dangerous conditions, and to warn of or eliminate unreasonable risks within the area of invitation.
10. That on February 27, 2022, the Defendants caused the entrance mat improperly placed far away from the door and knew or should have known of its hazardous condition on the floor.
11. The latently dangerous condition of the entrance Plaintiff entered was not openly and obviously dangerous.
12. The condition of the floor constituted an unreasonable danger to members of the public, invitees, who were present on the premises.

13. Upon information and belief, Defendants had not placed any warning signs informing customers of the hazardous condition that was near the entrance on the Morris Baker Blvd side of the store.
14. The Defendant failed to warn of or make safe the hazardous condition.
15. That on or about February 27, 2022, at approximately 2:51PM. the Plaintiff, an invitee, upon exiting her parked vehicle for the purpose of picking up an Uber Eats order, was walking and entering the interior premises owned, operated and managed by the Defendant, Raising Cane's Restaurants, LLC.
16. That upon entering the premises the Plaintiff tripped on a hazardous liquid which caused the Plaintiff to trip and fall on her left side, resulting in severe injuries more fully hereinafter described.
17. That prior to Plaintiff's fall Defendant failed to warn Plaintiff of this unreasonably dangerous defect.
18. That the Defendant, and its employees, and agents, were negligent, negligent per se, grossly negligent, careless, reckless, willful and wanton in the following particulars, to wit:
 - a) In failing to employ, design, test, clean, oversee, and manage flooring materials and/or products in known high traffic areas and/or entryways.
 - b) In failing to employ safety flooring products and/or materials, properly place-rubberized matting, adhesive stripping, or other safety devises designed to curtail slipping in its store;
 - c) In failing to properly hire, train and supervise its employees so as to prevent dangerous conditions from existing;
 - d) In failing to provide appropriate training for all employees to include hazard control measures;
 - e) In failing to maintain the store entrance and flooring materials in reasonably safe condition;
 - f) In failing to properly inspect the premises to remove materials that constituted a danger to invitees thereon;
 - g) In causing or permitting the entrance mat to remain on the floor when it knew or should have known of its hazardous presence;

- h) In failing to take proper precautions to ensure that there were no existing unreasonably dangerous conditions on the premises;
- i) In failing to promulgate rules, policies, guidelines, or directive regarding the efficacy of flooring materials.
- j) In failing or omitting to warn the Plaintiff and its customers of the hazards of the condition of the floor by signs, personnel, or barricades near the entrance Plaintiff entered;
- k) In failing otherwise to comply with the applicable laws and regulations of the State of South Carolina and the applicable Federal laws and regulations;
- l) In failing to exercise that degree of care and caution which a reasonable and prudent person would have exercised under the same or similar circumstances; and,
- m) Failed to otherwise exercise due care with respect to matters alleged in this Complaint;
- n) In failing to properly place the floor mat as to cure/make safe any hazards of the condition of the floor;
- o) In failing to warn or make safe the flooring by the entrance Plaintiff entered.

19. As a direct and proximate result of the negligence, negligence per se, gross negligence, carelessness, recklessness, willfulness and wantonness, of the Defendant, and of its employees and agents, as set forth above, the Plaintiff.

- a) Sustained serious and severe and permanent injuries to her person, including, but not limited to, the following injuries: Left wrist fracture, severe swelling in her hand and fingers, injuries to her Left shoulder and legs/knees; permanent physical anxiety; loss of consortium and other serious and severe personal injuries;
- b) Suffered injuries, bruises, spasms, sprains and strains about various parts of her body;
- c) Suffered painful and dangerous injuries from which she was informed and believed she will have future adverse effects, scarring and disability;
- d) Has incurred medical and doctor bills due to the injuries;
- e) Was subjected to pain, suffering and discomfort over a period of time, and will continue to suffer from the same in the future;

- f) Has lost physical strength, mental capacity and physical vitality;
- g) She has and probably will for an indefinite time in the future be deprived of ordinary pleasures of life, loss of well-being, and equanimity; and
- h) Was subjected to a loss of enjoyment of life for a period of time and continues to suffer loss of enjoyment of life.

20. The Plaintiff is informed and believes that she is entitled to judgment against the Defendant in an appropriate amount of actual and punitive damages.

WHEREFORE, the Plaintiff demands judgment against the Defendant, in the amount of actual and punitive damages in an appropriate amount determined by a jury, for the cost and disbursements of this action, and for such other and further relief that this honorable Court deems just, equitable and proper.

Respectfully Submitted,

JOYE LAW FIRM, L.L.P.

By: s/Robert P. Howell
Robert P. Howell
SC Bar No.: 104967
5861 Rivers Ave.
North Charleston, SC 29406
Office: 843-725-2328
Fax: 843-529-9180
Email: rhowell@joyelawfirm.com

Attorney for Plaintiff

North Charleston, South Carolina
This 31st day of August, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	FOR THE NINTH JUDICIAL CIRCUIT
Fatmah Khalefah,)	CASE NUMBER: 2022-CP-10-04054
)	
Plaintiff,)	
vs.)	PROOF OF SERVICE
)	
Raising Cane's Restaurants, LLC)	
d/b/a Raising Cane's Chicken)	
Fingers and Raising Cane's USA,)	
LLC d/b/a Raising Cane's Chicken)	
Fingers,)	
Defendants.)	
)	

This is to certify that on September 1, 2022, the Summons and Complaint, Plaintiff's Interrogatories to Defendant Raising Cane's USA, LLC, and Plaintiff's Request for Production to Defendant Raising Cane's USA, LLC, were deposited in the mail, first-class, certified-return receipt requested, properly addressed, with postage prepaid to Capitol Corporate Services, Inc., agent of service for Defendant Raising Cane's USA, LLC d/b/a Raising Cane's Chicken Fingers. I further certify that the foregoing was accepted by Capitol Corporate Services, Inc., on behalf of Defendant Raising Cane's USA, LLC d/b/a Raising Cane's Chicken Fingers, on September 9, 2022 as is evidenced by the attached return receipt.

JOYE LAW FIRM, L.L.P.

By:


 Robert P. Howell
 SC Bar No.: 104967
 5861 Rivers Avenue
 North Charleston, SC 29406
 Office: 843-725-2328
 Facsimile: 843-725-4266
 rhowell@joyelawfirm.com

Attorney for Plaintiff

North Charleston, South Carolina
 This 15th day of September, 2022.

ELECTRONICALLY FILED - 2022 Sep 15 4:48 PM - CHARLESTON - COMMON PLEAS - CASE#2022CP1004054

Return Receipt (Form 3811) Barcode	
 9590 9266 9904 2194 4427 32	
1. Article Addressed to: Raising Cane's USA, LLC Capitol Corporate Services, Inc., Registered Agent 2 Office Park Ct. Ste. 103 Columbia, SC 29223	
2. Certified Mail (Form 3800) Article Number	
9414 7266 9904 2194 4427 39	
COMPLETE THIS SECTION ON DELIVERY	
A. Signature  Lisa Culler	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery 11-9-22
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type: <input checked="" type="checkbox"/> Certified Mail	
Reference Information csp - F. Khalefah	
PS Form 3811, Facsimile, July 2015	
Domestic Return Receipt	